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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 01-003

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

1. Statutory Authority

- a. Is the Professional Boxing and Safety Act, as referenced in s. RL 110.025, consistent with Wisconsin law? If not, does it preempt Wisconsin law?
- b. Section RL 111.04 (1) should be reviewed for consistency with s. 444.09 (7), Stats., which refers to two judges “appointed by” the department.
- c. While it is recognized that questions may be raised regarding the consistency of the last sentence of s. RL 112.03 (1) with s. 44.094 (3), Stats., it is also recognized that that rule’s provision is arguably within the department’s statutory authority.
- d. Section RL 113.05 should be reviewed for consistency with s. 444.09 (1), Stats.

2. Form, Style and Placement in Administrative Code

- a. In s. RL 111.04 (2), reference should be made to the 10-point **must scoring** system. Compare the defined term in s. RL 110.02 (11).
- b. Section RL 112.05 (4) is not mentioned in the department’s analysis.

c. Is the provision of s. RL 113.01 (4) located in the correct chapter? Chapter RL 113 appears to be limited to professional shows; is the intent to limit the provision of s. RL 113.01 (4) to professional shows?

d. Is s. RL 114.03 (1) (e) in the appropriate location? As drafted, it applies to situations beyond intentional fouls.

e. In s. RL 114.06 (2) (e), both occurrences of the notation “subs.” should be replaced by the notation “pars.”

f. In s. RL 114.07 (2), “technical knock-out” should not be surrounded by quotation marks. Defined terms need only be set off by quotation marks in the definition section. The rest of the rule should be reviewed in this regard.

g. In s. RL 114.085, it appears that in the cross-reference “and” should be substituted for “to.”

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The first sentence of the department’s analysis of SECTION 7 does not accurately reflect the rule.

b. In the department’s analysis of SECTION 9, second sentence, it is suggested that “continues to” replace “does.”

c. In the department’s analysis of SECTION 13, “from using” should replace “to use.”

d. The department’s analysis of SECTION 15 does not accurately reflect the content of the rule.

e. In the department’s analysis of SECTION 16, “participate” should be “participates.”

f. In the department’s analysis of SECTION 18, “from competing” should replace “to compete.”

g. In the department’s analysis of SECTION 22, last sentence, “commits” should replace “caused” and “it” should be deleted.

h. In the department’s analysis of SECTION 29, “from giving” should replace “to give.” Further, note that the current rule already prohibits a second from giving a boxer a stimulant during a bout.

i. In s. RL 110.02 (11), “round by round” should be hyphenated.

j. Section RL 110.04 (2) repeals the current provision that the department may grant a permit for the show, but withhold approval of one or more of the boxers to fight in the show. Is

that provision replaced in the rule or contained elsewhere? If not, should the deletion be mentioned in the analysis?

k. In s. RL 111.04 (1), the word “a” should be inserted before the first occurrence of the word “judge” in the last sentence. Further, this section provides that the department may refuse to approve a person to act as a judge if the department has reasonable proof that the person is not competent, has a conflict of interest or is subject to a disciplinary action. The point at which the department may make this determination is not clear from the rule. If a professional club is authorized to assign judges, when will the department be made aware of the assignments and have an opportunity to object?

l. In s. RL 112.04 (3), should reference to “any other boxer” be to the “opponent”? (Or opposing boxer.) Compare the department’s analysis.

m. In s. RL 112.05 (3), reference to a “nonexcessive amount of Vaseline” is awkward and lacks specificity.

n. In s. RL 112.05 (4), can some specificity be provided for “long hair”?

o. In s. RL 113.04, reference to “male or female” is unnecessary. If there is concern regarding whether the rule will be interpreted as applying to bouts of mixed genders, perhaps a note to the provision could be added.

p. In s. RL 114.03 (1) (a), consideration should be given to replacing “the injury is severe enough to terminate a bout” with “the bout is not allowed to continue.”

q. In s. RL 114.03 (1) (d), is the modifier “any” too limiting?

r. Section RL 114.03 (2) and (3) should be reorganized and redrafted for better flow and clarity. Why is reference made to both “partial or incomplete” rounds? What is the difference between a partial round and an incomplete round? The phrase probably should refer to a “round” rather than “rounds.” Why is an accidental low blow treated differently than other accidental fouls? In sub. (3), last sentence, when is a referee to stop action in a bout?

s. In s. RL 114.06 (2) (a), first sentence, “has been” should be stricken and replaced by “is” and “during a bout” should not be stricken.

t. Section RL 114.06 (2) (d) makes reference to any “requirements” imposed by the ring-side physician under s. RL 114.065. Under s. RL 114.065 (1), the ring-side physician only makes recommendations; apparently, the department prescribes the examination or medical procedure.

u. In s. RL 114.065 (1), first two sentences, “shall” following “boxer” may be eliminated. Also, in the second sentence, it appears that “technical” should be deleted as a modifier of “knock-out.” There is no specific requirement that the department ever actually prescribe what the ring-side physician recommends.

v. Section RL 114.07 (2) provides that, in the circumstances described in that subsection, the injured boxer shall lose the bout by a technical knock-out. Will that always be the case? What about situations in which the injury is due to an intentional or accidental foul?

w. Section RL 114.085 provides that the department may make exceptions to certain rules for a championship bout and may substitute currently approved “unified championship rules” of the Association of Boxing Commissions. There are a number of questions regarding this provision. First, should the second occurrence of the word “may” be replaced by the word “shall”? Unless this change is made, the department would have unfettered authority to make any determination once an exception to ss. RL 114.04 and 114.05 is made. Second, the use of the term “currently-approved” may result in an unlawful delegation of authority to the Association of Boxing Commissions when it makes changes in the future to rules that are now in place. The preferred method of incorporating standards by reference is to include a citation to a dated volume of the materials. Finally, if standards are incorporated by reference, the department should ensure that the requirements of s. 227.21 (2), Stats., are met.